IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

7:17-CR-00028-M

UNITED STATES OF AMERICA,)	
Plaintiff,)	ORDER
v.)	ORDER
BORENZO CORTEZ PATRICK,)	
Defendant.)	

These matters come before the court on the Defendant's pro se motion "for immediate release to 18-months halfway house" [DE 131] and request for evidentiary hearing [DE 132]. Defendant identifies no case law nor other support establishing this court's authority to grant him the relief he requests. Thus, the court liberally construes Defendant's motion as a request for release under 18 U.S.C. § 3582(c)(1).

However, as Defendant knows (*see* DE 69, 116), incarcerated persons seeking a sentence modification must "request[] the Bureau of Prisons to bring a motion on their behalf and either fully exhaust[] all administrative rights to appeal the Bureau's decision or wait[] 30 days from the date of their initial request [before filing] a motion in the district court." *United States v. Muhammad*, 16 F.4th 126, 131 (4th Cir. 2021) (citing 18 U.S.C. § 3582(c)(l)(A)(i)). Here, there is no indication that Defendant has exhausted this remedy, as required. *See* DE 131-1 – 131-7.

Therefore, Defendant's motions [DE 131, 132] are DENIED WITHOUT PREJUDICE.

SO ORDERED this _____ day of October, 2024

RICHARD E. MYERS II

CHIEF UNITED STATES DISTRICT JUDGE